



THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Appeals

AF
JFW

re Application of

BERNDL et al.

Serial No. 09/937,313

Filed: September 24, 2001

For: SOLUBILIZING EXCIPIENTS IN POWDER FORM FOR SOLID PHARMACEUTICAL PRESENTATIONS

To: Hon. Commissioner of Patents and Trademarks

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D. C. 20036, on:

SEPTEMBER 13, 2004

Date of Deposit

DANIEL S. KIM

Person Making Deposit

Signature

Daniel Kim
SEPTEMBER 13, 2004

Date of Signature

1. **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Appeals from the decision dated 5/13/04 of the Primary Examiner finally rejecting claims 10-12 and 14-20.
2. A check in the amount of \$110.00 is attached to cover the required extension of time fee.
3. **BRIEF** on appeal in this application is transmitted herewith.
4. An Oral Hearing is requested.
 The Oral Hearing fee of \$290.00 is enclosed.
5. Fee \$330.00
 Enclosed
6. The Commissioner is hereby authorized to charge any fees which may be further required, or credit any over payment to Account No. 11-0345. A duplicate copy of this sheet is attached.

Respectfully submitted,
KEIL & WEINKAUF

By *Daniel Kim*

Daniel S. Kim
Reg. No. 51877

DSK/kas

1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 659-0100

09/15/2004 BABRAHA1 00000011 09937313

01 FC:1401
02 FC:1251

330.00 0P
110.00 0P